

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 375, A bill to be entitled "An Act creating the Carbon Independent School District in Eastland County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the right, powers, privileges, duties and liabilities now conferred and imposed by the General Laws of Texas upon the independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

FORTIETH DAY.

(Continued.)

(Wednesday, March 7, 1923.)

The Senate met at 9 a. m. and was called to order by President Pro Tem R. M. Dudley.

Bills and Resolutions.

By Senator Wood:

S. B. No. 429, A bill to be entitled "An Act to amend an Act passed by the Thirtyfourth Legislature of Texas, at its Regular Session and approved February 18th, 1915, which Act was House Bill No. 177, Chapter 17, of the said session of the said Legislature, amending Sections 26, and 53, of Art. 30, of the Revised Civil Statutes of Texas, 1911; to reorganize the Twenty-sixth Judicial District of Texas; to abolish the criminal District Court of Travis and Williamson Counties; to create the Ninety-sixth Judicial District of Texas; to fix and define the jurisdiction of the Twenty-sixth, Fifty-third and Ninety-sixth Judicial Districts of Texas; to fix the time for holding of courts in each of the said judicial districts; to pro-

vide for the organization of grand juries in each of the courts held in the said judicial districts; to provide for a district attorney for the counties of Travis and Williamson; and fixing his compensation; to provide for the transfer of the causes pending on the docket of the said criminal district court in Williamson County to the Twenty-sixth Judicial District Court, and for the transfer of all cases on the docket of the said criminal district court in Travis County to the Fifty-third and Ninety-sixth Judicial District Courts; to provide for the election of a judge for the Ninety-sixth Judicial District Court; to provide for the appointment of court reporters for the Twenty-sixth, Fifty-third and Ninety-sixth Judicial Districts; to confirm and validate all writs, process, bonds, recognizance, judgments, orders of the said criminal district court, transferred hereunder, and the drawing of grand and petit juries in conformance with the changes herein made; to fix the time that this Act shall take effect; and to repeal all laws and parts of laws in conflict herewith.

Read first time and referred to Committee on Judicial Districts.

H. B. No. 361—Passage to Third Reading.

The Senate resumed consideration of H. B. No. 361 on its passage to third reading, which was under consideration when the Senate recessed yesterday afternoon, an amendment by Senator Murphy and a substitute therefor by Senator Ridgeway, pending.

On motion of Senator Burkett, the amendment and the substitute were tabled.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 361, page 6, line 22, by inserting \$4 in lieu of \$1.00; by striking out of line 23 the words "in excess of seven passengers"; by inserting the word "buss" between the words "motor" and "vehicle" in line 24; and by striking out the words "with a seating capacity of more than seven passengers" from lines 24 and 25.

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 361, page 4, line 4, after the word applicant by inserting the following: but no license

shall issue for any motor vehicle unless and until the owner thereof shall present satisfactory evidence to the tax collector by affidavit or otherwise that all city, county, school and State taxes due on said motor vehicle have been paid.

The amendment was lost.

Senator Cousins offered the following amendment to the bill:

Amend H. B. No. 361, page 11, by adding after the word department, line 31, Sec. 162.

Any owner of a motor vehicle which carries passengers for hire shall provide separate seats for whites and negroes, and if said provision is not made, or is violated, he shall be fined not more than \$200.

Senator Wirtz offered the following amendment to the amendment:

Amend pending amendment to H. B. No. 361, by adding the following: Provided that separate cars may be operated exclusively for the white or negro race.

The amendment to the amendment was adopted.

On motion of Senator Burkett, the amendment as amended, was tabled.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 361, page 6, line 19, by inserting between the words "vehicles" and "shall," the words "operating for hire."

The amendment was adopted.

Senator Burkett offered the following amendments to the bill:

Amend H. B. 361, page 7, by striking out all after the word "belongs" in line 10 and remainder of said section.

Amend H. B. 361, pages 10 and 11 by striking out Sec. 17.

The amendments were adopted.

Senator McMillin offered the following amendment to the bill:

Amend H. B. 361, page 3, line 22, by inserting between the words "tractor" and "trailer" the following: "used on the public highways of this state."

The amendment was adopted.

Senator McMillin made the following motion:

"I make the motion that further consideration of H. B. 361 be deferred, and it be referred to a special committee of three members of the Senate, to be appointed by the President of the Senate, to revise said bill and report its work to the Senate at the earliest possible moment."

Senator Burkett moved to table the motion.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Burkett.	Murphy.
Cousins.	Pollard.
Davis.	Ridgeway.
Doyle.	Strong.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.

Nays—10.

Bailey.	McMillin.
Baugh.	Parr.
Bledsoe.	Rice.
Bowers.	Stuart.
Lewis.	Woods.

Absent.

Darwin.

Absent—Excused.

Rogers.

Thomas.

(Pairs Recorded.)

Senator Wirtz (present) who would vote, "nay," with Senator Clark (absent) who would vote "yea."

The bill was passed to third reading.

S. B. No. 52—House Amendments Concurred In.

Senator Holbrook called up S. B. No. 52 and moved that the Senate concur in the following House amendments, and that the enrolled bill be printed in the Journal:

Amend Senate Bill No. 52 by striking out the words "three years" wherever they appear in the bill, and insert in lieu thereof the words "two years."

Amend the Bill on page 4, Section 4 of the House printed bill, by striking out the words "free from encumbrance and subject to execution."

Amend the bill on page 4, line 35 of the House printed bill, by inserting after the word "State," "the value of which is."

Amend the bill by striking out, on page 6, line 23, all after the word

"State" down to and including the word "Texas," in line 24.

Amend Section 1, page 3, by adding after the words "this State," in line 14 of the House printed bill, the words "or to resume such operations except as provided in this Act."

Amend Section 2, by inserting after the words "savings bank within this state," page 4, line 1 of the House printed bill, the word "nor to any bank which may have been in successful operation in this state for twenty years and shall have suspended operation prior to the passage of this Act, but which shall resume operation within twelve months after the passage of this Act."

Amend Section 2 by inserting after the word "effective," page 4, lines 4 and 5 of the House printed bill, the words "or shall resume business as provided in this Act."

Amend the caption by striking out the words "three years" wherever they may appear in the bill, and insert in lieu thereof the words "two years."

Amend the caption by inserting after the words "this state" in line 14, page 2 of the House printed bill, the words "or who shall resume such business as provided in this Act."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

S. B. No. 136—House Amendments Concurred In.

Senator McMillin called up S. B. No. 136 and moved that the Senate concur in the following House amendments:

Amend S. B. 136, page 2, line 21, so amended by striking out words "subdivision of the" and "thirty days" and insert in lieu thereof "thirty days" the words "six months."

Amend Senate bill No. 136 by striking out, on page 3, line 11, the words "of this state."

Amend Senate Bill No. 136 by striking out the period at the end of Section D, on page 3 and adding the words "or where he claims his residence to be."

Amend Senate bill No. 136, page 2, line 21, by striking out the words "six months" and insert in lieu thereof the words "thirty days."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

S. B. No. 326 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 326, A bill to be entitled "An Act governing the issuance of teachers' certificates in the teacher training course of the Dallas Public Schools."

The bill was read third time and on motion of Senator Davis was postponed indefinitely.

H. B. No. 549 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 549, A bill to be entitled "An Act creating the Thrall Independent School District in the county of Williamson, State of Texas; defining its boundaries, providing for a board of trustees to control and manage the schools of the said district, divesting Common School District No. 21 of Williamson County, Texas, of the control of the free schools of the said district, and of the title, management and control of all property held, owned and controlled for public free school purposes therein, and vesting the same in the said Thrall Independent School District and in the board of trustees thereof; providing for the assessing and collecting of taxes; providing for the issuing of bonds; providing for the election of a treasurer for the said school district; providing for the election of an assessor and collector, for the erection of buildings, and equipping same for school purposes; and assuming the payment of the outstanding bonded indebtedness of Common School District No. 21 of Williamson County, Texas, and creating an emergency."

The bill was read third time and passed by the following vote:

Yeas—22.

Bailey.	Cousins.
Raugh.	Darwin.
Bledsoe.	Davis.
Burkett.	Doyle.

Dudley.	Parr.
Fairchild.	Ridgeway.
Floyd.	Strong.
Holbrook.	Stuart.
Lewis.	Turner.
McMillin.	Wood.
Murphy.	Woods.

Present—Not Voting.

Rice.

Absent.

Bowers.	Wirtz.
Pollard.	Witt.
Watts.	

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 570 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading, and final passage,

H. B. No. 570, A bill to be entitled "An Act changing and enlarging the boundaries of Elmo Independent School District in Kaufman County and providing for an election to adjust the territory thus added to taxes which may be now levied upon the property of said Elmo Independent School District and for an assumption by said Elmo Independent School District of the pro rata of taxes to which the territory added to said Elmo Independent School District by this Act may be subject by reason of any outstanding bond issue or bond issues previously voted by any school district or school districts of which such added territory may have heretofore formed a part; defining the powers of said Elmo Independent School District, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Holbrook.
Baugh.	Lewis.
Bledsoe.	McMillin.
Bowers.	Murphy.
Burkett.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Watts.

Wirtz.	Wood.
Witt.	Woods.
Absent—Excused.	

Clark.	Thomas.
Rogers.	

H. C. R. No. 28.—Committee Appointed.

The chair announced the appointment of Senators Holbrook and Witt, as the committee provided by H. C. R. No. 28.

H. B. No. 449 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading, and final passage,

H. B. No. 449, A bill to be entitled "An Act to amend an Act of the Thirty-first Legislature, First Called Session, Chapter 5, Special Laws, entitled An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad County, and to provide for a board of trustees and other officers of such district, to authorize the board of trustees to levy, assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authority of said board of trustees, and declaring an emergency," and by this amended Act to provide for the assumption by the Goliad Independent School District as hereby created of all outstanding indebtedness now existing against same, and to provide for the payment of the outstanding indebtedness against Common School District No. 2, Goliad County, and declaring an emergency," said Act to be so amended as to hereafter read as follows:

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Burkett.
Baugh.	Cousins.
Bledsoe.	Darwin.
Bowers.	Davis.

Doyle.	Rice.
Dudley.	Ridgeway.
Fairchild.	Strong.
Floyd.	Stuart.
Holbrook.	Turner.
Lewis.	Wirtz.
McMillin.	Watts.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

Senator Bailey moved to reconsider the vote by which H. B. No. 449 was passed and table the motion to reconsider.

The motion to table prevailed.

H. B. No. 353 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading, and final passage,

H. B. No. 353, A bill to be entitled "An Act to prescribe a closed season for the hunting of blue quail or scaled quail in Lampasas County, Texas, and to provide adequate penalties for the unlawful taking, slaughter, storage, or possession of same; to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed.

S. B. No. 297 on Second Reading.

On motion of Senator Bledsoe by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 297, A bill to be entitled "An Act appropriating to the permanent public school fund whatsoever land that may be recovered to the State finally in the case of the State of Texas against George Findlay and others in the Capital Syndicate Land Suit, and providing for the survey and sale of same with a reservation of minerals and making an appropriation for survey of the land; and declaring an emergency."

The bill was read second time, and was passed to engrossment.

S. B. No. 297 on Third Reading.

On motion of Senator Bledsoe the constitutional rule requiring bills to

be read on three several days in each house, was suspended, and S. B. No. 297 was put upon its third reading and final passage by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

The Chair then laid S. B. No. 297 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—22.

Bailey.	Parr.
Bledsoe.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Holbrook.	Watts.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Nay—1.

Wirtz.

Absent.

Baugh.	Fairchild.
Bowers.	Floyd.
Darwin.	

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 563 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 563, A bill to be entitled "An Act to amend Section 7 of an

Act entitled 'An Act creating the Pflugerville Independent School District in Travis and Williamson Counties, Texas, consolidating into said Independent School District the territory included in the present Pflugerville Independent School, Common School District No. 56, Common School District No. 12, Williamson and Travis County Line School District No. 14 and Common School District No. 15; defining its boundaries, vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Law; providing for a board of trustees therefor; making provisions for taxation for school purposes in said district and declaring an emergency,' being H. B. No. 606 passed by the Regular Session of the Thirty-sixth Legislature and amended by H. B. No. 51, passed by the Second Called Session of the Thirty-sixth Legislature, changing and correcting the boundary lines of said school district, and validating and confirming the election of school trustees for said district and declaring an emergency, providing for the election of trustees in said school district and validating and confirming the election of school trustees for said school district."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

S. B. No. 321 on Second Reading.

On motion of Senator McMillin, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 321, A bill to be entitled "An Act providing for the committing of feeble-minded persons to the State Colony for the Feeble-minded; giving to the county and district courts jurisdiction to hear and determine the status of feeble-minded persons, and commit them to such colony, to be known as 'Court for the Feeble-minded' when so sitting; providing the procedure in such cases; defining the powers and duties of the county attorney and other officers; defining the powers and duties of such colony and its management and superintendent in relation to the custody and the preservation and regaining thereof of such persons committed or admitted thereto; prescribing the duties of peace officers in regard thereto; making such persons wards of the State; making it a felony to entice, remove, abduct or kidnap a patient from such colony, or to assist such to escape, or to conceal a patient who has escaped, or been enticed, removed, abducted or kidnapped therefrom, and prescribing a penalty therefor; and declaring an emergency."

The bill was read second time, and was passed to engrossment.

S. B. No. 321 on Third Reading.

On motion of Senator McMillin the constitutional rule requiring bills to be read on three several days in each House was suspended and S. B. No. 321 was put upon its third reading and final passage by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

The Chair then laid S. B. No. 321 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—24.

Bailey.	Parr.
Bledsoe.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent.

Baugh.	Fairchild.
Bowers.	Floyd.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 622 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 622, A bill to be entitled "An Act to create the Spicewood Independent School District in Burnet County, Texas, including the present Spicewood District No. 21 of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon Independent School districts incorporated under the General Laws of Texas, providing that the board of trustees of the present Spicewood District No. 21 shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read third time.

Senator Wood offered the following amendment to the bill:

Amend H. B. No. 622 by adding a new section to be numbered Section 4 and renumber remaining sections.

Sec. 4 The Board of Trustees is hereby specifically authorized to extend the boundaries of the Spicewood Independent District in the same manner as is provided by general law for the extension of boundaries of independent districts incor-

porated for school purposes only, provided that the limitation of area to twenty-five square miles therein expressed shall not apply to the area of the Spicewood Independent District.

The amendment was adopted by unanimous consent.

H. B. No. 622 was then passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

Excused.

Senator Clark for yesterday and balance of this week on account of sickness, on motion of Senator Woods.

S. B. No. 350 on Second Reading.

On motion of Senator Holbrook, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 350, A bill to be entitled "An Act to amend Section 7 of Chapter 74, General Laws, passed at the Second Called Session of the Thirty-sixth Legislature, providing for refund of taxes paid on marl, gravel, sand, shell or mudshell by any county, city or town; making an appropriation for said purpose out of the fish and oyster fund, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

S. B. No. 350 on Third Reading.

On motion of Senator Holbrook the constitutional rule requiring bills

to be read on three several days in each House was suspended and S. B. 350 was put upon its third reading and final passage by the following vote:

Yeas—20.

Bailey.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Stuart.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Witt.
Floyd.	Wood.
Holbrook.	Woods.

Nays—1.

Murphy.

Present—Not Voting.

Lewis.

Absent.

Baugh.	McMillin.
Cousins.	Strong.
Fairchild.	Wirtz.

Absent—Excused.

Clark.	Thomas.
Rogers.	

The Chair then laid S. B. No. 350 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—20.

Bailey.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Stuart.
Cousins.	Turner.
Darwin.	Watts.
Davis.	Wirtz.
Doyle.	Witt.
Holbrook.	Wood.
Parr.	Woods.

Nays—3.

Dudley.	Murphy.
Lewis.	

Present—Not Voting.

Baugh.

Absent.

Fairchild.	McMillin.
Floyd.	Strong.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 560 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 560, A bill to be entitled "An Act creating and incorporating Midway Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 9 of Lynn County as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Midway Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 9 of Lynn County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision thereof, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Holbrook.
Baugh.	Lewis.
Bledsoe.	McMillin.
Bowers.	Murphy.
Burkett.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Watts.

Wirtz.
Witt.

Wood.
Woods.

Absent—Excused.

Clark.
Rogers.

Thomas.

H. B. No. 561 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 561, A bill to be entitled "An Act creating and incorporating Joe Stokes Independent School District in Lynn County, Texas, out of territory now comprising Common School District No. 17 of Lynn County as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Joe Stokes Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 17, of Lynn County, validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision hereof; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.
Baugh.
Bledsoe.
Bowers.

Burkett.
Cousins.
Darwin.
Davis.

Doyle.
Dudley.
Fairchild.
Floyd.
Holbrook.
Lewis.
McMillin.
Murphy.
Parr.
Pollard.

Rice.
Ridgeway.
Strong.
Stuart.
Turner.
Watts.
Wirtz.
Witt.
Wood.
Woods.

Absent—Excused.

Clark.
Rogers.

Thomas.

H. B. No. 539 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 539, A bill to be entitled "An Act to increase the civil jurisdiction of the County Court of Hockley County and unorganized county of Cochran, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.
Baugh.
Bledsoe.
Bowers.
Burkett.
Cousins.
Darwin.
Davis.
Doyle.
Dudley.
Fairchild.
Floyd.
Holbrook.
Lewis.

McMillin.
Murphy.
Parr.
Pollard.
Rice.
Ridgeway.
Strong.
Stuart.
Turner.
Watts.
Wirtz.
Witt.
Wood.
Woods.

Absent—Excused.

Clark.
Rogers.

Thomas.

H. B. No. 510 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 510, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of Dallas County, Texas; providing for office expenses; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read third time and passed.

H. B. No. 596 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 596, A bill to be entitled "An Act validating a certain issue of schoolhouse bonds aggregating \$5,000.00 bearing interest at 6% per annum, voted by Common School District No. 7 of Lynn County on July 23, 1921; validating the election voting such bonds, all orders of the Commissioners' Court of Lynn County in respect to such election and such bonds, and in addition all orders levying taxes to support the same, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Blédsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 600 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 600, A bill to be entitled "An Act to amend Chapter 16 of the Local and Special Laws passed at the Regular Session of the Thirtieth Legislature, the same being an Act to create the Tulia Independent School District in Swisher County, Texas, adding thereto Section 6a, validating bond elections heretofore held and bonds issued thereunder; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Bledsoe.
Baugh.	Bowers.

Burkett.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 608 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 608, A bill to be entitled "An Act to create the Carta Valley Independent School District in Edwards and Val Verde Counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 551 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 551, A bill to be entitled "An Act amending Section 2 of Chapter 72 of the Local and Special Laws of the State of Texas passed by the Thirty-eighth Legislature at its Regular Session, said Act being an Act creating the Tynan Independent School District in Bee County, San Patricio and Live Oak Counties, Texas; said Act being amended by changing boundaries of said district set out in Section 2 thereof and declaring an emergency."

The bill was read third time and on motion of Senator Parr, was laid on the table subject to call.

H. B. No. 609 on Third Reading

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 609, A bill to be entitled "An Act to amend Section 2, Chapter 22, Acts of the Thirtieth Legislature, Regular Session, re-defining the boundaries of the San Saba Independent School District, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Stuart.
Davis.	Strong.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

Recess.

On motion of Senator Strong, the Senate at 12:05 p. m. recessed until 2 p. m. today.

Afternoon Session.

The Senate met at 2 p. m. and was called to order by President Pro Tem Dudley.

H. B. No. 491 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

H. B. No. 491, A bill to be entitled "An Act creating and establishing the Spanish Fort Independent School District in Montague County, Texas; defining its boundaries; providing for a board of trustees in said district; continuing in office the board of trustees as heretofore elected in said district until the expiration of their respective terms of office; vesting title of said board of trustees to all school property in said district; conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing for a seal, and for the selection of a secretary, treasurer and the assessor and collector of taxes; for a board of equalization, and prescribing its duties, etc., and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Rogers.	Thomas.
Clark.	

H. B. No. 620 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 620, A bill to be entitled

"An Act creating Pontotoc Common County Line School District No. 31 of Mason, San Saba and Llano Counties and placing the same under the management and control of Llano County; defining the powers of said district; providing for election of the first board of trustees of said district; providing for an election to determine whether or not a special school tax for maintenance purposes shall be levied upon the property contained in said district, and to determine whether the several outstanding obligations which may exist against the several territories and the portion of territory of other districts embraced in this district shall be assumed in whole and pro rata by this district, and taxes levied upon the property of this district to provide for such indebtedness and pro rata thereof; making alternative provision for the protection of all such indebtedness; abolishing existing school districts wholly included within its boundaries; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 589 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 589, A bill to be entitled "An Act creating the San Margarita Independent School District in Wilacy County, Texas, and defining its boundaries; providing for the election of a board of trustees therefor; providing for the election of a secretary, treasurer, assessor and col-

lector of taxes and all other necessary officers and committees and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the General Laws of the State for free school purposes only; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 565 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 565, A bill to be entitled "An Act to reorganize the Thirtieth and Sixteenth Judicial Districts and to create the Ninety-sixth Judicial District of the State of Texas, and for the appointment of the district judge for said Ninety-second Judicial District; providing for holding the district courts and terms in said Thirtieth, Sixteenth and Ninety-sixth Judicial Districts, respectively; providing that all process and writs heretofore issued, and that all recognizances and bonds heretofore made and executed and returnable to existing terms of district courts in the counties composing said districts, together with jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect; providing that the county attorneys of the respective counties within said Ninety-sixth Judicial District shall perform the duties of district attorneys in their counties as well as the duties now

performed by them, and providing fees of office for such county attorneys; providing for the transfer of cases from the Thirtieth Judicial District to the Ninety-sixth Judicial District, and from the Sixteenth Judicial District to the Ninety-sixth Judicial District, providing for the jurisdiction of said district courts, and providing for the continuation of the existing courts in said counties in session when this Act takes effect to the end of their terms, repealing all conflicting laws, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 244 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 244, A bill to be entitled "An Act to relieve various schools of the State by validating certain school districts, and where such districts have undertaken to provide for the issuance of schoolhouse bonds or the levying of special taxes, for any lawful school purposes, by proceedings not otherwise invalid; validating such bond issues and taxes; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Cousins.
Baugh.	Darwin.
Bledsoe.	Davis.
Powers.	Doyle.
Burkett.	Dudley.

Fairchild.
Floyd.
Holbrook.
Lewis.
McMillin
Murphy.
Parr.
Pollard.
Rice.

Ridgeway.
Strong.
Stuart.
Turner.
Watts.
Wirtz.
Witt.
Wood.
Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 546 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 546, A bill to be entitled "An Act to validate Simmons Common School District No. 7 in Grayson County, Texas, as re-defined and re-established by order of the county school trustees of Grayson County, Texas, on February 12, 1923, and Common County Line School, District No. 8 as redefined and re-established by an order of the county school trustees of Grayson County, Texas, on February 12, 1923, and by an order of the county school trustees of Collin County, Texas, on February 13, 1923."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin
Baugh.	Murphy.
Bledsoe.	Parr.
Powers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

S. J. R. No. 20 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage, S. J. R. No. 20:

"Providing for revenue for the support of the public schools; providing for the levying and collecting, in addition to the above ad valorem State tax not to exceed thirty-five cents on the one hundred dollars valuation; providing for the State Board of Education to get aside a sufficient amount out of said tax to provide free textbooks; providing for an additional appropriation by the Legislature if the limit of taxation be insufficient; providing for the formation of school districts by the Commissioners' Courts of the several counties; and providing that school districts may embrace parts of two or more counties; providing further that the Legislature be authorized to pass laws for the assessment and collection of taxes in said districts; conferring the management and control of the public schools of such districts upon the Commissioners' Courts; providing for the Legislature to authorize an additional ad valorem tax within school districts for the maintenance of public schools, and the erection and equipment of school buildings therein; providing that a majority of the qualified property taxpaying voters of the district shall vote such tax not to exceed in one year one dollar on the one hundred dollars valuation on property subject to taxation, but this limitation shall not apply to incorporated cities or towns constituting separate and independent school districts."

The resolution was read third time.

Senator Doyle offered the following amendments to the resolution:

(1).

To amend the caption of S. J. R. No. 20, page 1, line 18, of the printed bill by striking out the words "Commissioners' Courts" and insert in lieu thereof the following:

"County School Trustees."

(2).

To amend S. J. R. No. 20, page 2, by striking out the word "Said" in line 20, and the word "Courts" in line 21, and insert in lieu thereof the following:

"County School Trustees."

(3).

To amend S. J. R. No. 20, page 2, line 17, by adding after the word "district" the following:

"Provided the Legislature is hereby authorized to enact such general laws as may be deemed necessary for

the general management and control of the public schools of the several counties, as by it authorized prior to the adoption of this amendment, other than the creation of school districts."

The amendments were adopted severally by unanimous consent.

The roll was called and the resolution passed finally by the following vote:

Yeas—25.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Wirtz.
Fairchild.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin	

Absent.

Cousins.	Watts.
Floyd.	

Absent—Excused.

Clark.	Thomas.
Rogers.	

S. B. No. 287 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 287, A bill to be entitled "An Act to amend Article 6272 of the Revised Statutes of Texas, defining indigency and in particular describing who and under what conditions shall be entitled to the rights and privileges of a Confederate pension and who shall be entitled to become an inmate of the Confederate Home or other public institution at the expense of the State."

The bill was read third time and passed.

S. B. No. 63—House Amendments Concurred in.

Senator Bledsoe called up S. B. No. 63 and moved that the Senate concur in the following House amendments:

Amend S. B. No. 63, page 12, lines to 40, strike out the following words:

"In counties containing as many as forty thousand inhabitants accord-

ing to the last preceding decennial census."

And also amend caption of the bill, page 2, line 6, strike out the following words:

"In counties containing as many as forty thousand inhabitants."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

S. B. No. 181 House Amendments Concurred In.

Senator McMillen called up S. B. No. 181 and moved that the Senate concur in the following House amendments:

Strike out caption S. B. No. 181 and insert the following:

An Act to amend Article 3362 Revised Statutes of 1911, authorizing the making of a will withdrawing the settlement of an estate from any action of court other than to probate the will and file an inventory and appraisal and list of claims of the estate, and prescribe time of filing claims with and payment therefor by an independent executor named in such will and giving certain powers to such executor.

The Chair laid the bill before the Senate, and the House amendments were concurred in.

S. B. No. 141, House Amendments Concurred In.

Senator Cousins called up Senate Bill No. 141 and moved that the Senate concur in the following House amendments:

(1).

Amend Section 2 of Senate Bill No. 141 by striking out the word "and" from the following part of said section: "who is a graduate of a reputable medical college and has qualified on examination for the certificate of medical qualifications," etc., and inserting in lieu of said word "and" the word "or."

(2)

Amend Senate Bill No. 141 as engrossed, page 5, line 8, to line 16 thereof, Section 2, by striking out the following language: "Said application shall be accompanied with the diploma, or a photograph thereof, awarded to the applicant to a reputable medical college, and a cer-

tified transcript of the certificate or license issued to the applicant by the National Board of Medical Examiners, or satisfactory evidence of the issuance of a commission in the Medical Corps of the United States Army or Navy, or by a license, or certified copy of license to practice medicine, lawfully issued to the applicant by some other state or territory," and inserting in lieu of said language the following: "Said application shall be accompanied with a diploma, or a photograph thereof, awarded to the applicant by a reputable medical college, or a certified transcript of the certificate or license or commission issued to the applicant by the Medical Corps of the United States Army or Navy, or by a license or a certified copy of license to practice medicine, lawfully issued to the applicant by some other state or territory."

(3)

Amend Senate Bill No. 141, on page 10, line 10, by inserting immediately after the language "Sec. 5a" the following language: "That Title 90, Chapter 1, of the Revised Civil Statutes of Texas be amended by adding a new article thereto, to be numbered Article 5744aa, which shall read as follows:"

(4)

Amend Senate Bill No. 141, in Section 6, page 11, and in the second paragraph of said section, line 16 to 19, by striking out the following language found in the sentence immediately preceding the final sentence of said section: "and may be exercised and asserted independently of and without reference to whether or not criminal prosecution has been instituted or shall be instituted against the defendant," and by striking out the comma immediately after the word "State" in said sentence, line 16, and inserting in lieu thereof a period.

(5)

Amend Senate Bill No. 141 by striking out the entire caption thereto, and inserting in lieu thereof the following:

A bill to be entitled "An Act regulating the practice of medicine, amending certain articles and adding new articles to Title 90, Chapter 1, of the Revised Civil Statutes of Texas; amending certain articles and adding new articles to Title 12, Chapter 6, of the Penal Code of the State

of Texas, as follows: By amending Article 5737, of the Revised Civil Statutes, prescribing certain duties of district clerks relating to licenses to practice medicine; making it the duty of county health officers to keep informed as to the death or removal of physicians from the county of their residence and report such death or removal to district clerks; and providing certain fees of the district clerk for the performance of certain duties in connection with licenses to practice medicine by amending Article 5738 of the Revised Civil Statutes so as to vest power in the State Board of Medical Examiners to grant license to practice medicine to any reputable physician who is a graduate of a reputable medical college or who has qualified, on examination, for the certificate of medical qualification for a commission in the medical corps of the United States Army and Navy, and to licentiates of other states or territories having requirements for medical registration and practice equal to those established by this Act, and prescribing the fee to be paid for such licenses; by amending Article 5739 of the Revised Civil Statutes, relating to the examination of applicants for licenses and fees to be charged therefor, so as to leave it optional with the Board of Medical Examiners as to the time when the subjects in which and the fee for which an applicant who has failed to pass examination may take a subsequent examination, and providing the conditions under which such subsequent examination may be taken; amending Article 5741, Revised Civil Statutes, relating to the examinations of applicants for license, the subjects in which they shall be examined, and the conduct of such examination by authorizing the State Board of Medical Examiners, at its discretion, to conduct examinations in two parts, and prescribing the fee to be paid by the applicant for each examination, and providing for the use of interpreters, when necessary, in such examination, and the additional charge to be paid for the services of such interpreter; by amending Article 5742, Revised Civil Statutes, relating to the application of the Medical Practice Act, by providing that the same shall not apply to optometrists who confine their practice strictly to optometry, as defined in

Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session, and so as to provide that the Act shall not be construed to affect or limit in any way the application, or use of the principles, tenets or teachings of any church in the ministration to the sick and suffering by prayer, without the use of any drug or material remedy, when sanitary and quarantine laws and regulations are complied with and no charge is made therefor, directly or indirectly; by amending Chapter 129, Acts of the Regular Session of the Thirty-sixth Legislature, approved March 24, 1919, to be hereinafter known as Article 5744 of the Revised Civil Statutes, by conferring power upon the district courts of the State to cancel or suspend the license of any practitioner of medicine, and providing the causes for such cancellation or suspension and the procedure to be had in all such cases; by adding a new article to the Revised Civil Statutes to be numbered 5744, making it the duty of the Attorney General to institute civil or criminal proceedings to enforce the provisions of this Act upon application of the State Board of Medical Examiners, where the county or district attorney has failed to enforce the same; by adding a new article to the Revised Civil Statutes, to be numbered 5744b, providing for the issuance of the writ of injunction to prevent the practice of medicine in violation of law and providing the procedure in all such cases and the limitations applicable to the granting of any injunction or restraining order and the manner in which such cases shall be tried and disposed of; by amending Article 50 of the Penal Code of the State of Texas, making it unlawful for any person to practice medicine without first taking the oath prescribed by law and having his license registered by the district clerk of the county where he is located or into which he may remove; by adding a new article to Chapter 6, Title 12, of the Penal Code of the State of Texas, to be Article 750a, making it unlawful for any person to practice medicine after his license has been canceled in the manner provided in this Act and by providing the punishment to be imposed in such cases; by amending Chapter 6 of Title 12 of the Penal Code of the State of Texas, by adding a new arti-

cle to be known as Article 756a, providing that the making of a false oath by any applicant for a license in his application to the Board of Medical Examiners or the making of a false oath before the district clerk to secure registration shall constitute the crime of false swearing, and providing for the punishment in such cases; providing that, if any section or part of a section, provision, penalty, right or remedy contained in this Act shall be held unconstitutional, invalid or inoperative, it shall not affect the remaining sections, parts of sections, provisions, rights or remedies prescribed by this Act; and repealing all laws in conflict herewith, and declaring an emergency."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

S. J. R. No. 11 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

Senate Joint Resolution No. 11, "A Joint Resolution proposing an amendment to Article 8 of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be known as Section 9a, directing the Legislature to provide for the construction, operation and maintenance, under state control of a state system of public highways, authorizing the Legislature to provide for the issuance of bonds of the State or other forms of indebtedness for the construction of a state system of public highways, and to provide for the payment of said bonds; providing for an election for the ratification or rejection of the amendment herein proposed, and making an appropriation to defray the expense of said election."

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Doyle.
Baugh.	Dudley.
Bledsoe.	Fairchild.
Bowers.	Holbrook.
Burkett.	Lewis.
Darwin.	McMillin.
Davis.	Murphy.

Parr.	Turner.
Pollard.	Watts.
Rice.	Wirtz.
Ridgeway.	Witt.
Strong.	Wood.
Stuart.	

Nays—1.

Woods.

Absent.

Cousins.

Floyd.

Absent—Excused.

Clark.

Thomas.

Rogers.

S. B. No. 370 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 370, A bill to be entitled "An Act amending Section 1 of Chapter 110 of the General Laws of the Regular Session of the Thirty-seventh Legislature so as to permit steam and electric railroads, transportation companies or sleeping car companies, to furnish transportation to veterans of the Civil War at a rate of one cent per mile; and declaring an emergency."

The bill was read third time.

Senator Davis offered the following amendment to the bill:

Amend Senate Bill No. 370, by adding at the end of Section 1 the following language:

"Provided also that such transportation at the rate of one cent per mile may be furnished to any person representing the Confederate Veterans organization in gathering data in this state relative to the records of enlistment, service and discharge of sailors and officers who served in the Confederate navy."

The amendment was adopted by unanimous consent.

The roll was called and the bill was passed finally by the following vote:

Yeas—26.

Bailey.	Fairchild.
Baugh.	Holbrook.
Bledsoe.	Lewis.
Bowers.	McMillin.
Burkett.	Murphy.
Darwin.	Parr.
Davis.	Pollard.
Doyle.	Rice.
Dudley.	Ridgeway.

Strong.	Wirtz.
Stuart.	Witt.
Turner.	Wood.
Watts.	Woods.

Absent.

Cousins.	Floyd.
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Absent—Excused.

Clark.	Thomas.
Rogers.	

S. B. No. 75 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 75, A bill to be entitled "An Act providing that any person, firm, corporation, limited partnership, joint stock association or association of any kind whatsoever owning or holding a permit from the Game, Fish and Oyster Commissioner of the State of Texas, to excavate and take from any island, reef, bar, lake, river, creek, bayou or bay in this state, marl, mud, shell, oyster shell, sand and gravel, shall have the right and power to condemn land for the purpose of erecting plant sites and plants, railroad spurs, and opening roads and passageways to said plant or place of operations, and providing that the method of condemnation shall be the same as now provided by law in case of railroads and declaring an emergency."

The bill was read third time and passed.

S. B. No. 166 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 166, A bill to be entitled "An Act to amend Article 1462, Chapter 2, Title 29, Revised Civil Statutes of 1911, as amended by Section 4, Chapter 134, Acts of the Thirty-fifth Legislature of 1917, providing qualifications for county auditors; also to amend Article 1463, Revised Civil Statutes of 1911, providing for bond of county auditors; also to amend Article 1497, Revised Civil Statutes of 1911 providing for removal of county auditors, and also by adding Subdivision thereto, providing that county auditors shall furnish certificates and other written in-

formation from the records, books and accounts kept in their office to the Commissioner of Insurance and Banking, or national or state bank examiners; providing for removal from office and criminal prosecution for failure to furnish same; also to amend Chapter 25, Title 18, of the Penal Code by amending Article 1578 thereof so as to add Subdivision A, making it unlawful for any county auditor or assistant county auditor to wilfully furnish any certificate or other written information concerning or relating to public finances or moneys not based upon the official records, books or accounts in the office of the county auditor, and providing a penalty therefor; also to amend said Article 1578 of said chapter and title of the Penal Code by adding thereto Subdivision B, providing that it shall be unlawful for any bank official, or any servant or agent, or employees of any bank to wilfully fail to furnish, or refuse or neglect to furnish to the county auditor of any county in this state, or any assistant county auditor, or any information concerning or relating to any public moneys or funds, or any moneys or funds over which the county auditor by law exercises the power of control, or supervision, or examination, and providing a penalty therefor, and further amending said Article 1578 of the Penal Code by adding Subdivision C thereto, providing that it shall be unlawful for any bank official, or agent, or servant, or employee, to wilfully furnish in writing any false statement, or false certificate or false information concerning or relating to any public moneys or funds on deposit with any bank, over which the county auditor by law exercises the power of control, or supervision, or examination, and providing a penalty therefor; and declaring an emergency."

The bill was read third time.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 166 by striking out the following word in line 2, page 6, "twenty."

Also amend S. B. No. 166 as follows: Strike out the word "twenty" on line 23, page 5 of the bill.

The amendment was adopted by unanimous consent.

The roll was called and S. B. No.

166 was finally passed by the following vote:

Yeas—23.

Bailey.	McMillin.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Holbrook.	Wood.
Lewis.	

Present—Not Voting.

Murphy. Woods.

Absent.

Cousins. Floyd.
Witt.

Absent—Excused.

Clark. Thomas.
Rogers.

H. B. No. 588 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 588, A bill to be entitled "An Act amending Sections 1 and 5 of Chapter 31 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Second Called Session, entitled 'An Act amending and revising the metes and bounds of the Raymondville Independent School District (formerly in Cameron County but now in Willacy County)'; providing that all jurisdiction shall attach to officers of Willacy County instead of Cameron County."

The bill was read the second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 588 on Third Reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 588 was put upon its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Bledsoe.
Baugh.	Bowers.

Burkett.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Clark. Thomas.
Rogers.

The Chair then laid H. B. No. 588 before the Senate on its third reading and final passage.

The bill was read third time and passed.

S. B. No. 257 on Second Reading.

Senator Bowers called from the table, H. B. No. 257, A bill to be entitled

"An Act to amend Sections 1 and 2, Chapter 49, General Laws of the Regular Session of the Thirty-fourth Legislature; raising the maximum age prescribed for compulsory attendance in the public schools of the State; increasing the compulsory school attendance period; restating certain exemptions under said Act; and declaring an emergency."

The bill was read second time, and the committee report carrying a substitute was adopted.

The bill was then passed to engrossment.

S. B. No. 257 on Third Reading.

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 257 was put upon its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Murphy.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Cousins. Floyd.
Darwin. Parr.
Fairchild. Witt.

Absent—Excused.

Clark. Thomas.
Rogers.

The Chair then laid S. B. No. 257 before the Senate on its third reading and final passage.

The bill was read third time and passed.

Simple Resolution No. 84.

By Senators Darwin and Doyle:

We move that Mrs. May Price be added to the enrolling and engrossing force of employees and receive \$5 per day, dating from and including March 5th and continue until the end of the session.

The resolution was read and adopted.

Boy Scouts.

On motion of Senator Wood, a committee of four boys representing the Boy Scouts of Austin were invited to the Senate Chamber, and led by Woodfin Butte, they gave the Scout oath, etc.

Message from the House.

Hall of the House of Representatives.

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 34, A bill to be entitled "An Act making an appropriation of three hundred thousand (\$300,000) dollars to build and equip an administration building at the North Texas State Normal College, Denton, Texas, and declaring an emergency."

H. B. No. 142, A bill to be entitled "An Act to appropriate the sum of one hundred thousand dollars, or as much thereof as may be necessary out of the revenues of the State, for the erection of an administration building for the extension service of the Agricultural & Mechanical College of Texas, and the sum of fifteen thousand dollars out of the general revenue of the State for the repair and remodeling of Gath-

right Hall, and declaring an emergency."

H. B. No. 433, A bill to be entitled "An Act making it a misdemeanor punishable by fine of not less than \$25 nor more than \$100 for any person to kill in any manner any wild male or female deer in the counties of San Augustine, Sabine, Newton and Jasper, at any time within five years from the date on which this Act goes into effect."

H. B. No. 440, A bill to be entitled "An Act to amend Chapter 88 of the General Laws of the Thirty-fifth Legislature, Regular Session, approved March 9, 1917, by amending Section 87 of said Act, and also limiting the contract lien upon crops irrigated, and prescribing method of determining costs or irrigation facilities to be charged users of water in the State of Texas; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 136, A bill to be entitled "An Act amending Article 2939 of Chapter 4, of Title 49, of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 40 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 6 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, as amended by the General Laws of the Thirty-seventh Legislature, Regular Session, Chapter 113, and approved by the Governor on the 12th day of March A. D. 1921, regulating elections, providing certain qualifications for voters and providing for absentee voting in order that voters may vote who are absent from the State, and declaring an emergency," with amendments.

H. J. R. No. 13, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors, and their widows, who have been citizens of Texas prior to January 1, 1900; providing that all soldiers, sailors and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of ten (\$.10) cents on the \$100 valuation of property in this State for the payment of such pension, providing that the Legislature may reduce the rate of such pension; fixing a time for the election to be held on such amendment, and making appropriation to pay the expenses thereof.

H. J. R. No. 16, Proposing an amendment to Article 8 of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be known as Section 9a, directing the Legislature to provide for the construction, operation and maintenance, under State control, of a system of public highways; authorizing the Legislature to provide for the issuance of bonds of the State or other forms of indebtedness for the construction of a State system of public highways and to provide for the payment of said bonds; providing for an election for the ratification of the amendment herein proposed, and making an appropriation to defray the expenses of said election.

S. B. No. 52, A bill to be entitled "An Act to regulate the business of banking in this State when conducted by concerns operating under charters obtained in Texas prior to the adoption of the Constitution in 1876, and placing them under the provisions of Chapters 1 to 6, inclusive, Title XIV, of Vernon Sayles Revised Statutes of Texas; declaring that from and after the passage of this Act it shall be unlawful thereafter for any person, association of persons, partnership or trustee, or trustees acting under any common law declaration of trust to organize or establish or begin the operation of any private banking institution or private banking business within this State, preserving the rights of those who at the time this Act becomes effective, and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to advertise, use or put forth any sign as a bank, trust company, bank and trust company or savings bank, or to in any way solicit or receive business as such, or to use as their name or part of their name on any sign, advertising or letter head, or envelope, the word bank, trust, trust company, bank and trust company, savings bank, savings or any other term which may or might be confused with the name of a corporation organized under the general provisions of the banking laws of this State; making it unlawful to use any other than the name of the person, or one or more of the persons, or the member or one or more members of said association or persons, or partnerships, or the members of one or more of the members of any

institution operating under a common law declaration of trust in the management, conduct, or operation of same, providing, however, that the provisions of this Act shall not apply to any person, association of persons, partnerships, trustee or trustees acting under any common law declaration of trust who are, at the time this Act becomes effective and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to use or employ any part of the funds of the depositors in any such institution in any speculative adventure or enterprise owned or promoted by said bank or institution, or the person or persons owning same, or officers or managers thereof; requiring the filing with the Commissioner of Insurance and Banking annually an affidavit showing solvency of such bank or institution, and the filing for record with the county clerk of the county in which the principal business of said institution done of a statement in writing under oath, giving the names of each and all parties or persons interested in said institution; making it unlawful to receive or assent to the reception of any deposits of money or other valuable thing, and making the failure of said bank or institution prima facie evidence of the insolvency of same at the time of the receipt of such deposit or deposits, making it unlawful to publish or advertise in any newspaper that said bank or institution owns, possesses or has a financial responsibility in excess of the real and true financial responsibility of such person, association of persons, partnership or institution and defining the terms "financial responsibility"; making it unlawful for a newspaper to publish any such statement as herein used; fixing penalties; declaring this Act to be in addition to and supplementary of all the present banking laws of this State, and declaring an emergency," with amendments.

S. B. No. 141, A bill to be entitled "An Act regulating the practice of medicine; and amending certain articles and adding new articles to Title Ninety (90), Chapter 1, of the Civil Statutes of Texas; amending certain articles and adding new articles to Title 12, Chapter 6, of the Penal Code of the State of Texas, as follows: by amending Article 5737 of the Civil Statutes, prescribing certain duties of district clerks relating to license to

practice medicine, etc.," with amendments.

S. B. No. 33, A bill to be entitled "An Act relating to hotels, apartment hotels and boarding houses, protecting them from fraud, limiting their liability and declaring an emergency."

H. B. No. 431, A bill to be entitled "An Act making unlawful the making or use of false statements in writing respecting the financial condition, or means, or ability to pay, of the person making such false statement, or causing same to be made, or of any other person, firm or corporation in which he is interested, or for whom he is acting for the purpose of obtaining money, property, or credit, or the making, acceptance, discount, sale, or indorsement of a bill of exchange or promissory note, amounting to more than fifty dollars, whether such statements are made directly or indirectly; making such offense a felony and prescribing punishment therefor."

H. B. No. 663, A bill to be entitled "An Act to repeal all Special Laws relating to public roads of Nacogdoches County, as well as all General Laws in conflict with this Act and to create by this Act a more efficient road system for Nacogdoches County, Texas; to provide for the appointment of hands and laying out of road precincts; specifying those subject to road duty and the number of days they shall work upon the public roads each year; to provide for relieving citizens of road duty by payment to the county treasurer of \$5 for each road year; to encourage donation to the public roads by citizens of said county, and providing for donations to be duplicated by the county treasurer out of the road and bridge fund of said county; providing for appointment of road overseers; making the county commissioners of said county supervisors of the roads in their commissioner's precinct; prescribing their duties; prescribing the mode of warning those subject to road duty under the terms of this Act, and making it a misdemeanor to violate the provisions of this Act, and fixing a penalty therefor, and repealing all General and Special Laws in conflict herewith."

S. B. No. 63, A bill to be entitled "An Act to amend Articles 3864, 3866 and 3898 of the Revised Civil Statutes of the State of Texas, of 1911, providing for the fees of Sheriffs in civil suits, and providing the

ex-officio salary of Sheriffs, and providing that officers in counties of less than twenty-five thousand inhabitants shall not be required to keep statements and make reports as provided in Articles 3894 and 3895 of the Revised Statutes of the State of Texas of 1911; and to amend Articles 1122, 1130 and 1175 of the Code of Criminal Procedure of the State of Texas, 1911, to provide that Sheriffs and other peace officers shall receive four dollars per day for attending a prisoner on habeas corpus hearing; and to amend Article 1142 of the Code of Criminal Procedure of the State of Texas of 1911 so as to define the compensation to be paid Sheriffs for the safe keeping, maintenance and support of prisoners; and declaring an emergency," with amendments.

S. B. No. 83, A bill to be entitled "An Act to amend Chapter 1, Title 15, Revised Penal Code of the State of Texas, by adding thereto Article 101, defining the offense of Negligent Assault and Battery, fixing a penalty therefor, and declaring an emergency," by striking out the enacting clause, 79 ayes, 31 nays.

S. B. No. 181, A bill to be entitled "An Act to amend Article 3362 of the Revised Civil Statutes of the State of Texas, relating to independent executors, their powers, and so forth," with amendments.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem Dudley, had referred, after their captions had been read, the following House bills:

H. B. No. 34, referred to Committee on Finance.

H. B. No. 433, referred to Committee on Criminal Jurisprudence.

H. B. No. 440, referred to Committee on Mining, Irrigation and Drainage.

H. J. R. No. 13, referred to Committee on Constitutional Amendments.

H. J. R. No. 16, referred to Committee on Constitutional Amendments.

H. B. No. 142, referred to Committee on Finance.

H. B. No. 431, referred to Committee on Criminal Jurisprudence.

H. B. No. 663, referred to Committee on Roads, Bridges and Ferries.

Adjournment.

On motion of Senator Bailey, the Senate at 3:15 p. m. adjourned until 3:30 p. m. today.

APPENDIX.**Committee Reports.**

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 405 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 7, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 350 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

(Majority Report).

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 340, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 78 of General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61, General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever; or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, grain, fruit, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and making it

unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation, containing in excess of one per cent of alcohol by volume or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, grain, fruit, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting, or furnishing any such liquor, intoxicants or beverages; making proof of possession prima facie evidence of guilt in all cases where possession or receipt for the purpose of sale, is made unlawful in this Act; amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 35a with reference to seizure and destruction of the vehicles and instrumentalities for violating the liquor laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be not printed. This bill was before us and reported that it do pass and was printed in the Journal. It was then re-committed to us and is now reported that it do pass and be not printed. Majority committee amendments and minority reports with amendments to be printed in the Journal.

TURNER, Chairman.

Amend the caption of H. B. No. 340 so that it shall hereafter read as follows:

A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61 of the General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess, transport or receive for the purpose of sale, or to manufacture, sell, barter, exchange, export, deliver, take orders for, solicit or furnish spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, re-

ceive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and making it unlawful for any person, directly or indirectly, to possess, transport, or receive for the purpose of sale, or to manufacture, sell, barter, exchange, export, deliver, take orders for, solicit or furnish spirituous, vinous, or malt liquors or medicated bitters, or any potable liquor, mixture, or preparation containing in excess of one per cent of alcohol by volume, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for the manufacture, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants, or beverages; making proof of possession prima facie evidence of guilt in all cases where possession or receipt, or possession, transportation or receipt for the purpose of sale, is made unlawful in this Act; amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 36a with reference to seizure and destruction of the vehicles and instrumentalities for violating the liquor law; and declaring an emergency."

Committee Amendment No. 1.

Amend H. B. No. 340 by inserting between the figure "2" and the word "wherever," in line 28, of page 2, thereof, the following words and figures, to wit:

"That Sections 1 and 2 of Chapter 78 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 61, General Laws of the First Called Session of the Thirty-seventh Legislature be and the same are hereby amended by adding thereto another section to be known as 'Section 2e,' reading as follows: 'Section 2e.'"

Committee Amendment No. 2.

Amend the caption of H. B. No. 340 by inserting between the semi-

colon and the word "making," in line 32, page 1, thereof, the following words and figures: "and be further amended by adding thereto Section 2e."

Committee Amendment No. 3.

Amend Section 1 of H. B. No. 340 by inserting the word "transport" after the word "possess," where said word first appears, and strike out the word "transport," appearing after the word "exchange" where same first appears; inserting the words "or to knowingly" after the word "manufacture" where it appears for the second time in said section; and striking out the words "grain" and "fruit" where they appear between the words "mash" and "material."

Committee Amendment No. 4.

Insert in Section 2 after the word "possess," where it first appears, the word "transport," and strike out the word "transport" where it appears between the words "exchange" and "export" where these words first appear; insert the phrase "or to knowingly" between the words "manufacture" and "sell" where they appear for the second time in said section; and strike out the words "grain" and "fruit" where they appear in said section.

Committee Amendment No. 5.

Insert in Section 2 (being Section 2e under Amendment No. 1), after the word "possession," the word "transportation."

Committee Amendment No. 6.

Omit from Section 3 (in subdivision known as "Section 35a" thereof) the following clause, after the word "purpose," "(which shall be a question of law for the court to decide)."

(Minority Report.)

Committee Room,

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, the minority of your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 340, have had same under consideration, and beg leave to report it back with the recommendation that it do pass with the following amendments:

Committee Amendment No. 1.

Amend caption of H. B. No. 340, page 1, line 9, after the word "Legislature" and before the word "making" by adding these words:

"So as to provide an adequate and proper punishment for the violation of this Chapter."

Committee Amendment No. 2.

Amend H. B. No. 340, page 2, Section 1, line 7, after the word "Transport" and before the word "export" by inserting the words "for the purpose of sale."

Committee Amendment No. 3.

Amend H. B. No. 340, page 2, Sec. 1, line 12, by striking out after the word mash and before the word material, the words, "grain, fruit."

Committee Amendment No. 4.

Amend H. B. No. 340, page 2, Sec. 2, line 18, by inserting after the word transport and before the words export the words, "for the purpose of sale."

Committee Amendment No. 5.

Amend H. B. No. 340, page 2, Sec. 2, line 22, by inserting after the word transport and before the word export the words, "for the purpose of sale."

Committee Amendment No. 6.

Amend H. B. No. 340, page 2, Sec. 2, line 23, by striking out the words "grain, fruit" after the word mash and before the word material.

Committee Amendment No. 7.

Amend H. B. No. 340, page 3, line 8, by striking out all of line 8 after the word "purpose."

Committee Amendment No. 8.

Amend H. B. No. 340, page 2, by striking out all of Sec. 2 and inserting in lieu thereof the following:

Any person violating any of the provisions of this Act shall, upon conviction thereof, for the first offense, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$100, nor more than \$200, or by confinement in the county jail for a period of not more than six months nor less than three months, or by both such fine and confinement in the county jail, during all of which time he may be worked upon the county public roads; and, upon conviction of the second offense

he shall be punished by a fine of not less than \$200 nor more than \$500, or by confinement in the county jail for any length of time not less than six months nor more than two years, during all of which time he may be worked upon the county public roads; and, upon conviction of the third offense he shall be deemed guilty of a felony and shall be punished by confinement in the State Penitentiary for any term not less than one nor more than five years.

Any corporation violating the provisions of this Act shall be subject to a penalty in favor of the State of Texas which shall be recoverable in any action of the State to be brought by the Attorney General of any District Court of Travis County. Such action may be brought in the District Court of any county where the offense is committed, by the Attorney General or by the County or District Attorney of such County. In such action for penalties the State shall recover the sum of \$500 for any violation of the law, provided, that each separate violation of the law shall be considered a separate offense as within the terms of this Section; and when the offense is of a continuing character, then each day shall be considered a separate infraction of the law for which the penalty may be recovered. The officers, agents or servants of any corporation, against which such penalty suit may be brought, shall not be excused from testifying on the ground that their testimony might incriminate them; but when they are called upon by the State to testify, they shall not be prosecuted for their participation in those acts about which they have testified.

PARR.

Committee Room,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 41, A bill to be entitled "An Act to regulate domestic relations by prescribing means and procedure for the enforcement of the obligation of the father of legitimate minor children for their support and maintenance, and for other purposes, and declaring an emergency."

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 160, A bill to be entitled "An Act amending Article 4611 of the Revised Civil Statutes with reference to the issuance of marriage licenses so as to provide that no license to marry shall be issued except in the county of the residence of the parent or guardian of the female desiring to marry unless the parent or guardian is present in person and gives his or her consent for the issuance of such license; providing punishment for the violation of the Act; and declaring an emergency."

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 433, A bill to be entitled "An Act making it a misdemeanor punishable by fine of not less than \$25.00 nor more than \$100.00 for any person to kill in any manner any wild male or female deer in the counties of San Augustine, Live Oak, Frio, La Salle, and Atascosa at any time within five years from the date on which this Act goes into effect."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred Bill No. 375, having had the same under consideration, and I am

instructed to report the same back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

Turner, Ridgeway, Davis, Witt, Baugh.

Committee Room,

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred,

S. B. No. 419, A bill to be entitled "An Act to provide that a certified copy of the record of a judgment or decree, or order, or entries, in the United States Courts in cases charging violation of the laws against the sale, manufacturing, transportation, possession, of intoxicating liquors, and the ownership or possession of equipment for the manufacture of such liquor, may be introduced in evidence in the State Courts in prosecutions for violation of any of the prohibition laws of the State, and shall be prima facie evidence of the guilt of the defendant, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that this bill be printed in the Journal.

TURNER, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 7, 1923.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 428, A bill to be entitled "An Act amending Chapter 64 of the General Laws of the Thirty-fourth Legislature, passed at its Regular Session, fixing the time for holding court in the Twenty-second Judicial District, and changing the time of holding the district courts in Austin, Hays and Caldwell Counties, and providing an extra term of court each year for the counties of Hays and Caldwell; to repeal all laws in conflict herewith and declaring an emergency."

Have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and being

Pollard, Chairman; Wirtz, Doyle, Davis, Bowers, Stuart, Fairchild.

Committee Room,
Austin, Texas, March 7, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 424, being
"A bill in reference to elections, general and primary, and particularly amending Revised Statutes of Texas, as amended, Articles 2949, 2950, 2953, 2956, 2961, 3084, 3089, 3093, as amended by the Thirty-fifth Legislature, 3107, 3129, 3130, 3131, 3116, 3118, and as amended further providing for filling of vacancies occurring in the office of Congressman, United States Senator and State and district offices which are filled by election and authorizing political party executive committees to provide for the nomination of party candidates in elections to fill such vacancies, and providing for independent candidates in such elections and writing of names on official ballots, prescribing regulations as to placing of party candidates on official ballots, and declaring an emergency."

Have had the same under consideration and beg to report that we recommend that same do pass, with the following committee amendments, to-wit:

Committee Amendment No. 1.

Amend said House Bill No. 424 by striking out Article 3038, as appears in the bill, and insert in lieu thereof the following:

Article 3084. Candidates of parties of 100,000 votes and over to be nominated by primary election. On primary election day in 1924, and every two years thereafter, candidates for United States Senator, governor and for all other State offices to be chosen by a vote of the entire State and candidates for Congress and all district offices to be chosen by the votes of any district comprising more than one county, to be nominated by each organized political party that cast one hundred thousand votes or more for governor at the last general election, shall, together with all candidates for offices to be filled by the voters of a county, or of a portion of a county, to be nominated in primary elections by the qualified voters of such party, and all primary elections of all parties shall be held on the same day.

Committee Amendment No. 2.

In the latter part of Article 3089 of House Bill No. 424, strike out the fol-

lowing clause: "and provided further, that it shall not be necessary for the person appointed as judge, clerk or supervisor of any precinct primary election to be a resident of the precinct in which he is to serve" and insert in lieu thereof the following: "and provided further, that it shall be necessary for the person appointed as judge or clerk of any precinct primary election to be a resident of the precinct in which he is to serve."

Committee Amendment No. 3.

At the end of the first paragraph of Article 3093 and after the words "executive committee" change the period to a comma and add the following: "provided, that all such officers may be nominated by any political party, not required to hold a primary election under the foregoing provisions of this Article, by conventions, delegated and organized, as now permitted by law."

Committee Amendment No. 4.

Immediately after Article 3118, under Section 14, insert a new section to be designated "Section 15" and for said Section 15 insert the following:

Sec. 15. (a) In any election to fill a vacancy caused by death, resignation or otherwise in the office of United States Senator, Congressman, or any State or district office, any political party in this State may nominate candidates to be placed upon the official ballot in any such election by convention, special primary election or other method. The State executive committee of any such party shall determine the method of making such nominations and provide for the expense thereof, if any, in the office of United States Senator, Congressman, or member of the State House of Representatives or State Senate, or State offices where the vacancy is filled by election. The district executive committee, if there be one, and if not, then the State executive committee, of any such party shall determine the method of making such nominations and provide for the expense thereof, if any, in any district office where the vacancy is filled by election.

(b). Independent candidates may have their names placed upon the official ballot in any such election to fill such vacancy by complying with the provisions of Articles 3164 to 3168, both inclusive, insofar as applicable; provided that the application shall

reach the Secretary of State not later than fifteen days prior to the date of the holding of the special election to fill the vacancy in order to entitle such independent candidate to have his name printed in the independent column on the official ballot; providing further that in any such special election to fill such vacancy the voters may write on the ballot the name of the person for whom they desire to vote as in other elections.

(c). No person shall have his name printed on the official ballot in any such election to fill such a vacancy as the candidate of any political party or as an independent candidate except that the provisions of this Act and said Articles 3160 to 3168, both inclusive, as well as all other applicable law, have been complied with.

Committee Amendment No. 5.

In the last Section of the House Bill strike out the figures "15" and insert in lieu thereof "16," making the last section, which is the emergency clause, "Section 16."

Committee Amendment No. 6.

Amend the caption to House Bill No. 424 by striking out the last four words of said caption, said words being "and declaring an emergency," and insert in lieu thereof the following: "and further providing for filling of vacancies occurring in the office of Congressman, United States Senator and State and district offices which are filled by election; authorizing political party executive committees to provide for the nomination of party candidates in elections to fill such vacancies; providing for independent candidates in such elections and writing of names on official ballots; prescribing regulations as to placing of party candidates on official ballots; and declaring an emergency."

And as amended we recommend that the bill do pass and that the original bill with these committee amendments be printed in the Journal and not otherwise.

DAVIS, Chairman.

FORTY-FIRST DAY.

Senate Chamber,
Austin, Texas,

Wednesday, March 7, 1923.

The Senate met at 3:30 o'clock p. m. pursuant to adjournment, and was

called to order by President Pro Tem Dudley.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Bledsoe.	Murphy.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Baugh.

Parr.

Absent—Excused.

Clark.
Rogers.

Thomas.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

Bills and Resolutions.

By Senator Ridgeway:

S. B. No. 430, A bill to be entitled "An Act authorizing the Fredericksburg Independent School District to sell and convey a certain tract of land situated in the town of Fredericksburg in Gillespie County, Texas, and declaring an emergency."

Read first time and referred to committee on Educational Affairs.

H. B. No. 12 on Passage to Third Reading.

Senator Davis called up H. B. No. 12 relating to tax on gasoline, which was read the second time on March 6 and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Davis offered the following substitute for the amendments recommended by the majority committee report:

Amend H. B. No. 12, by striking out all after the enacting clause and insert in lieu thereof the following: